



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 7] नई दिल्ली, बुधवार, मार्च 1, 1984/फल्गुण 11, 1905
No. 7] NEW DELHI, THURSDAY, MARCH 1, 1984/PHALGUNA 11, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 1st March, 1984:—

BILL No. 14 of 1984

A Bill further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1984. Short title.

56 of 1971.

2. In the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (hereinafter referred to as the principal Act), in section 6, after sub-section (6), the following sub-sections shall be inserted, namely:— Amendment of section 6.

“(6A) Notwithstanding anything contained in the foregoing provisions of this section, a person referred to in sub-section (1) who demits office [whether in a manner specified in sub-section (8) or by resignation] as the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service)

Amendment Act, 1984, shall, on such demission, be entitled to—

(a) The pension to which he would have been entitled under the rules of the Service to which he belonged by reckoning his service as the Comptroller and Auditor-General as continuing approved service counting for pension in such Service; and

(b) a special pension of seven hundred rupees per annum in respect of each completed year of service as the Comptroller and Auditor-General;

Provided that the aggregate of the amounts payable to him under clause (a) and clause (b) of this sub-section shall in no case exceed a sum of twenty thousand and four hundred rupees per annum.

(6B) Notwithstanding anything contained in the foregoing provisions of this section, a person referred to in sub-section (3) who demits office [whether in any manner specified in sub-section (3) or by resignation] the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, powers and Conditions of Service) Amendment Act, 1984, shall, on such demission, be entitled to—

(a) the pension payable to him in respect of any previous service under Government; and

(b) a special pension of seven hundred rupees per annum in respect of each completed year of service as the Comptroller and Auditor-General;

Provided that the aggregate of the amounts payable to him under clause (a) and clause (b) of this sub-section shall in no case exceed a sum of twenty thousand and four hundred rupees per annum, and such sum shall include the aggregate of all other pensions, if any, payable to him and the commuted portion, if any, of his pension."

Amendment of section 14.

3. Section 14 of the principal Act shall be renumbered as sub-section (1) thereof and—

(a) in the *Explanation* to sub-section (1) as so renumbered,—

(i) for the words "rupees five lakhs", the words "rupees twenty-five lakhs" shall be substituted;

(ii) for the words "this section", the words "this sub-section" shall be substituted;

(b) after sub-section (1), as so renumbered, the following sub-sections shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), the Comptroller and Auditor-General may, with the previous approval of the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, audit all receipts and expenditure of any body or authority where the grants or loans to such body or authority from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly, as the case may be, in a financial year is not less than rupees one crore.

(3) Where the receipts and expenditure of any body or authority are, by virtue of the fulfilment of the conditions specified in sub-section (1) or sub-section (2), audited by the Comptroller and Auditor-General in a financial year, he shall continue to audit the receipts and expenditure of that body or authority for a further period of two years notwithstanding that the conditions specified in sub-section (1) or sub-section (2) are not fulfilled during any of the two subsequent years.”.

4. After section 19 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
19A.

‘19A. (1) The reports of the Comptroller and Auditor-General, in relation to the accounts of a Government company or a corporation referred to in section 19, shall be submitted to the Government or Governments concerned.

Laying of
reports in
relation to
accounts of
Govern-
ment
com-
panies and
corpora-
tions.

(2) The Central Government shall cause every report received by it under sub-section (1) to be laid, as soon as may be after it is received, before each House of Parliament.

(3) The State Government shall cause every report received by it under sub-section (1) to be laid, as soon as may be after it is received, before the Legislature of the State.

Explanation.—For the purposes of this section, “Government” or “State Government”, in relation to a Union territory having a Legislative Assembly, means the Administrator of the Union territory.”.

STATEMENT OF OBJECTS AND REASONS

The Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 was enacted to determine the conditions of service of the Comptroller and Auditor-General and prescribe his duties and powers. The Act was amended in 1976 mainly for the purpose of making the necessary provision for relieving the Comptroller and Auditor-General from the responsibility for compiling accounts. In the light of the changed circumstances and experience gained from the working of the provisions of the Act, it is considered necessary to make certain further amendments.

2. While the provisions as to pension payable to officers of Government have been modified, the pension payable to the Comptroller and Auditor-General remains the same as fixed in 1971. It is accordingly proposed to provide that subject to a maximum of Rs. 20,400/- per annum, a serving officer appointed as a Comptroller and Auditor-General will be entitled by way of pension to an amount equal to the aggregate of the pension admissible to him in the service to which he belonged by treating his service as Comptroller and Auditor-General as continued approved service for this purpose and a special pension calculated at the rate of Rs. 700/- per annum for each completed year of service as Comptroller and Auditor-General. It is also proposed to provide that subject to the aforesaid maximum of Rs. 20,400/- per annum, a retired officer appointed as a Comptroller and Auditor-General will be entitled by way of pension to the aggregate of the pension admissible to him under the rules governing the service to which he belonged and a special pension calculated at the rate of Rs. 700/- per annum for each completed year of service as Comptroller and Auditor-General. These revised provisions as to pension will be applicable only in the case of persons demitting office as Comptroller and Auditor-General (on completing the term or attaining the age of 65 years or on ground of ill health or by resignation) after the commencement of proposed legislation (*vide* clause 2 of the Bill).

3. At present, under section 14 of the Act, the Comptroller and Auditor-General is required to audit the receipts and expenditure of a body or authority which is substantially financed by grants or loans from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly. According to the *Explanation* to that section, where the grant or loan to a body or authority from the Consolidated Fund of India or of any State or of any such Union territory is not less than Rs. 5 lakhs and the amount of such grant or loan is not less than seventy-five per cent. of the total expenditure of that body or authority, such body or authority is deemed to be substantially financed by such grant or loan. It is proposed to enhance the limit specified in this *Explanation* from Rs. 5 lakhs to Rs. 25 lakhs. It is also proposed to provide that the Comptroller and Auditor-General may, with the approval of the President or Governor or Administrator, undertake audit of the receipt and expenditure of a body or authority which is in receipt of Government grant or loan of rupees one crore or more in a year, though this

may be less than 75 per cent. of the total expenditure of that body or authority. It is further proposed to provide that where a body or authority comes within the purview of the audit of the Comptroller and Auditor-General in any year by reason of the tests in the *Explanation* and new sub-section (2) being complied in its case, the Comptroller and Auditor-General shall continue to audit the receipts and expenditure of such body or authority for the succeeding two years also even if such body or authority fails to comply with the tests provided in the said *Explanation* and new sub-section (2) in either or both of those years (*vide* clause 3 of the Bill).

4. The present opportunity is being availed of to include in the Act a provision for the laying of audit reports of the Comptroller and Auditor-General in relation to the accounts of Government companies or corporations referred to in section 19 of the Act before Parliament or, as the case may be, the Legislature of the State concerned (*vide* clause 4 of the Bill).

5. The Bill seeks to achieve the above objects.

NEW DELHI;

PRANAB MUKHERJEE.

The 27th February, 1984.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter dated 27th February, 1984 from Shri Pranab Kumar Mukherjee, Minister of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Bill to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, recommends under article 117(1) of the Constitution for the introduction of the Bill in and under article 117(3) of the Constitution for the consideration of the Bill, by Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill proposes to amend section 6 of the Act by inserting sub-sections (6A) and (6B). The proposed sub-section (6A) provides that a person, who before his appointment as Comptroller and Auditor-General, was in service of Government, on demitting office as Comptroller and Auditor-General, will be entitled to an aggregate pension not exceeding Rs. 20,400/- per annum. The proposed sub-section (6B) provides that a person who before assuming office as Comptroller and Auditor-General was in receipt of pension for previous service under Government will be entitled to a special pension of Rs. 700/- per annum for each completed year of service as Comptroller and Auditor-General subject to a maximum aggregate pension of Rs. 20,400/- per annum. In terms of the existing sub-section (2) and sub-section (3) of section 6 of the Act, the maximum pension admissible to the Comptroller and Auditor-General is Rs. 18,000/- per annum. The Bill, if enacted, will, therefore, entail on the basis of the existing rate of normal service pension, an additional expenditure (charged) of Rs. 2400/- per annum from the Consolidated Fund of India.

2. The Bill does not involve any other expenditure whether recurring or non-recurring.

SUBHASH C. KASHYAP,
Secretary-General.